

1 DAVID BROWN,

2 Plaintiff,

3 v.

4 LIEUTENANT BASS, et al.,

5 Defendants.

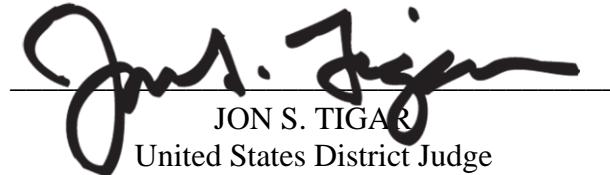
6 Case No. [23-cv-00671-JST](#)7 **ORDER OF DISMISSAL**8
9 Plaintiff has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. For the reasons
10 set forth below, the Court DISMISSES this action without prejudice pursuant to N.D. Cal. L.R. 3-
11 11.12 On January 22, 2025, court mail addressed to Plaintiff was returned as undeliverable. ECF
13 No. 32. On January 30, 2025, the Court ordered Defendants to determine Plaintiff's current
14 address, as the record indicated that Plaintiff had been paroled and the Court presumed that
15 Plaintiff had provided his parole agent with a contact address. ECF No. 35. On February 3, 2025,
16 Defendants reported that while Plaintiff had provided an address to his parole officer upon release
17 from San Quentin Rehabilitation Center in or around November 2024, Defendants could not
18 establish whether Plaintiff still resided at the address. Defendants reported that Plaintiff had
19 absconded soon after his release; that there was an active warrant for Plaintiff's arrest for
20 absconding; that Plaintiff was transient for the month of November 2024; and that Plaintiff
21 remained missing. ECF No. 37.22 N.D. Cal. L.R. 3-11 provides that the Court may, without prejudice, dismiss a complaint
23 when: (1) court mail addressed to the *pro se* party has been returned to the court as not deliverable,
24 and (2) the Court fails to receive within 60 days of this return a written communication from the

1 *pro se* party indicating a current address. *See* N.D. Cal. Civil L.R. 3-11(b). More than sixty days
2 has passed since court mail addressed to Plaintiff was returned as undeliverable. Accordingly, this
3 action is DISMISSED without prejudice pursuant to N.D. Cal. Civil L.R. 3-11.

4 Because the dismissal is without prejudice, Plaintiff may file a motion to reopen the action.
5 Any motion to reopen must be accompanied by Plaintiff's current address and a showing of good
6 cause as to Plaintiff's failure to prosecute and failure to provide the Court with an updated address,
7 as required by N.D. Cal. L.R. 3-11. Judgment is entered in favor of Defendants and against
8 Plaintiff. The Clerk is directed to terminate all pending motions as moot, and close the case.

9 **IT IS SO ORDERED.**

10 Dated: March 27, 2025



11 JON S. TIGAR
12 United States District Judge